

# WARREN COUNTY BOARD OF SUPERVISORS

## COMMITTEE: PUBLIC WORKS - DPW

DATE: DECEMBER 1, 2009

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
TESSIER  
STEC  
MERLINO  
CHAMPAGNE  
TAYLOR  
GOODSPEED  
PITKIN

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR BELDEN

**OTHERS PRESENT:**

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS  
JEFFERY TENNYSON, DEPUTY SUPERINTENDENT OF PUBLIC WORKS  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
DON DEGRAW, AIRPORT MANAGER  
FREDERICK MONROE, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &  
FISCAL SERVICES  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS STRAINER  
THOMAS  
DON LEHMAN, *THE POST STAR*  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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Acting as Committee Chairman in the absence of Mr. Belden, Vice Chairman Bentley called the Committee meeting to order at 9:35 a.m.

Motion was made by Mr. Tessier, seconded by Mr. Taylor and carried unanimously to approve the minutes from the October 27, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Lamy advised that the first agenda item consisted of an update on the Public Works Departmental budget. He apprised that based on the latest information available, other than the money needed to satisfy the Solid Waste portion of the budget, there were no deficits within the Public Works budget. Mr. Lamy stated that if they continued to have good weather for the remainder of 2009, he suspected that there would be funds remaining in the 2009 Public Works budget which would be returned to the General Fund. He said that staff downsizing, mild weather, lower than anticipated fuel costs and other efforts to maintain and reduce the budget had all contributed to this.

Moving on, Mr. Lamy directed the Committee members to the third page of the agenda which included a letter to NYSDOT (New York State Department of Transportation) seeking permission to award the construction bids for the Corinth Road Project. Mr. Lamy stated that Rifenburg Construction, Inc. had submitted the lowest bid for the construction services with a total of \$15,346,183 and he noted that agenda page 4 included a breakdown of how the Project would be funded. He advised that the breakdown did not include any of the costs for environmental permitting, design, right of way (ROW) incidentals/acquisitions or construction inspections and reflected a Local Share cost of \$656,394 to the County. Mr. Lamy stated that the County would spend an additional \$284,000 for the services not included in the breakdown and these funds had already been appropriated, bringing the total County Share for the Corinth Road Project to approximately \$940,000. He said that this item had been detailed extensively as it related to the next agenda item which consisted of a request to increase Capital Project H199.9550 280, Corinth Road Project, by \$310,000 to cover a portion of the Local Share, as reflected on agenda page 6. Mr.

Lamy advised that additional Local Share monies would be required in 2010 and depending upon how much was contributed in 2010, there might be more required in 2011.

Motion was made by Mr. Stec and seconded by Mr. Champagne to approve the request to increase Capital Project No. H199.9550 280 in the amount of \$310,000 to provide a portion of the Local Share for the Corinth Road Project.

Mr. Bentley noted that an additional \$600,000 would be necessary to meet the total Local Share for the Project and he asked where those funds would come from. Mr. Lamy replied that past resolutions indicated approximately \$413,000 in Local Share funding had already been contributed to the Project and the \$310,000 being transferred currently would add to that total, making \$723,000 available to support the Local Share and leaving \$217,000 to be raised over the next two years. Mr. Bentley questioned whether the remaining \$217,000 would be available in the 2010 Budget and Mr. Lamy responded that since the Project would not be completed until 2011, full payment of the Local Share would not be required until the close of 2011; therefore, he said, they could wait to see how the budget fared for 2010 before making any more contributions to the Project. Mr. Geraghty interjected that although the 2010 Budget situation appeared dismal, they were anticipating an upturn for 2011 with the sale of the Trash Plant and he felt the funds could be contributed in 2011 when the budget situation was not so bleak.

Mr. Bentley called the question and the motion was carried unanimously to increase Capital Project No. H199.9550 280 by \$310,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy announced that the next agenda item began on page 7 with a request to authorize conveyance of County-owned properties to the Town of Queensbury. He explained that during the relocation of Meadowbrook Road to rectify a sight distance issue at the intersection of Meadowbrook and Haviland Roads, the County had acquired several parcels in connection with the project, those being Queensbury Tax Map Parcel Nos. 289.20-1-7.1; 290.17-2-40 and 296.8-1-3. Mr. Lamy said that although Meadowbrook Road was owned by the Town of Queensbury, it was determined that the County would control and fund the project when the issue was introduced; he added that approximately \$325,000 had been expended to perform all aspects of the construction and ROW acquisition portions of the project. Mr. Lamy said at this point he suggested that the parcels acquired in connection with the road be transferred to the Town of Queensbury to return ownership of Meadowbrook Road to them.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to authorize conveyance of County-owned property in the form of Queensbury Tax Map Parcel Nos. 289.20-1-7.1; 290.17-2-40 and 296.8-1-3 to the Town of Queensbury and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

The next agenda item pertained to the bids received for the paving project to be funded by Federal Stimulus Grant monies, Mr. Lamy said. He advised that agenda page 8 included the bid tabulation sheet reflecting the bids received for paving of Glenwood Avenue and a portion of Corinth Road, with the low bidder being HMA Contracting, Corp. at a total of \$384,459. Mr. Lamy said that since the low bid was far less than the \$748,000 allotted by the Stimulus Grant, NYSDOT had been contacted to determine whether an additional paving project could be added or the paving indicated for one of the roads could be expanded to meet the full amount of the grant funding; however, he said, both requests had been denied. He apprised that the good news was there was sufficient funding available to complete the paving projects approved by NYSDOT at no cost to the County, although all of the unused grant funding would be returned to the granting agency for redistribution to other grant recipients for projects which were not previously funded,

Discussion ensued, subsequent to which Joan Sady, Clerk of the Board, noted that authorization to award the

construction bids for the Glenwood Avenue and Corinth Road paving projects had been given at a prior Committee meeting.

Moving on, Mr. Lamy apprised the Committee of a new procedure developed by one of his staff members which incorporated the use of a cd to store project specifications for construction bids, rather than having to print detailed specifications. He noted that 45 copies of the cd version of project specifications for the Corinth Road Project had been produced, saving approximately \$6,000 in printing costs; he added that an additional \$4,500 had been saved by using the same procedure for the Milton Street Bridge Project, leading to a total savings of \$11,500 by incorporating one simple staff suggestion.

Mr. Lamy said that the next agenda item referred to the Paving and Construction Schedule 2010, which was included on page 9. He pointed out that the schedule was derived using only the CHIPS (Consolidated Highway Improvement Project) funding provided by the State, with no County contribution. Mr. Lamy apprised that Jeffery Tennyson, Deputy Superintendent of Engineering, and the engineering staff had evaluated all County roads to rate each and determine those that should be addressed in 2010. Mr. Tennyson advised that a number of projects had been removed from the initial Schedule through the evaluation process and would have to be delayed until 2011 or 2012 when funding was available to address them. He said that the level of work scheduled varied from those that required only minor attention to others that were in need of full reconstruction. Mr. Tennyson explained that the evaluation process had been based on a pavement management tool which was the industry's standard that used a unit of measure entitled "estimated service life mile", which essentially included the level of additional service life being added. He said that the County owned 254 miles of roadway and to get one year of life each calendar year they needed to add 254 service life miles in treatments annually. Mr. Tennyson said this process provided a tool to evaluate different proposed plans because they could shift money between projects to determine where the best value could be found. The ideal plan, he said, would be to reach the 254 service life mile treatment goal each year with additional miles further improving the infrastructure and any less leading to its further decline. After extensive review and evaluation, Mr. Tennyson stated that the Schedule provided allowed for the best value to the County for the funds available and to attain the highest number of service life miles available in 2010.

Mr. Lamy said that he had received calls from three Supervisors who were willing to forego treatment of roads in their Towns if appropriate and this had also been included in the 2010 Schedule where appropriate. He said that they had also consolidated work in certain areas to avoid additional costs incurred by moving equipment between projects, as previously suggested by Mr. Champagne. Mr. Lamy stated that although they needed to incorporate a much larger budget for road projects in the future to improve Warren County's declining infrastructure, the Schedule presented was his best suggested for road improvements in 2010.

Mr. Champagne questioned what the "NEW" designation for many of the roads listed pertained to and Mr. Lamy replied that this indicated those projects that required a capital project number which would be provided by the Treasurer's Office.

Mr. Lamy announced that agenda page 10 included a proposed 2010 payment schedule for snow and ice, sweeping and mowing services provided for the County by the Towns. He said it was suggested that he bring this information to the Committee to discuss whether there was a payment arrangement that could be implemented to assist with the County's cash flow issues. Mr. Lamy apprised that during amenable budget years, 100% of the payments were made to the Towns in January; however, he said, payments for 2009 had been spread out and paid based on a similar schedule due to the County's cash flow problems. In an effort to adjust the payment schedule to account for anticipated cash flow issues in 2010, Mr. Lamy proposed that 67% of the snow and ice contract be paid in January with the remaining 33% to be paid in July, along with 100% of the mowing and sweeping contract.

Motion was made by Mr. Champagne and seconded by Mr. Pitkin and carried unanimously to accept the proposed payment schedule as presented by Mr. Lamy. *(Note: It was subsequently determined that this matter should be referred to the Finance Committee for further discussion as the actual contract amounts were not discussed or approved. A copy of the resolution request seeking extension of the Snow & Ice Contract, as well as the associated contract amounts, were provided by Mr. Lamy after the meeting and are on file with the minutes. This item is to be presented and discussed at the December 10<sup>th</sup> Finance Committee meeting.)*

Continuing, Mr. Lamy directed the Committee members to agenda page 11 which included information derived from the bid opening for the County Route 14 (Milton Street) Bridge Replacement Project. He pointed out that the engineer's estimate was slightly less than \$3.4 million and the low bid for the construction project was received from Tioga Construction Co., Inc. at \$2.66 million and the difference in price was attributed to the decrease in steel prices. Mr. Lamy stated that they had already received Committee authorization to award the contract to the lowest responsible bidder and Mr. Tennyson added that they were currently awaiting final NYSDOT approval for the contract award. Mr. Tennyson said that due to increased Federal participation on the projects receiving Stimulus funding, they were also more involved with normal projects that received Federal funding and were requesting more information regarding disadvantaged business enterprise and minority goals on Federally funded projects. He noted that they had not received any indication that NYSDOT would not award the bid to Tioga and anticipated the award of the bid within the next couple weeks when final information was received. Mr. Lamy noted that in the 2009 Budget, more local Share money had been allocated for the Milton Street Bridge as they had anticipated higher project costs than were realized; therefore, he said, they were overmatched for the Local Share and had moved the additional funding to the Corinth Road Project as part of the \$310,000 transfer approved earlier in the meeting to reduce the associated Local Share for that Project.

Mr. Lamy advised that the next agenda item referred to an update on the Fuel Management System and he asked Mr. Tennyson to address this item. Mr. Tennyson stated that the fuel system management bids were received on November 20<sup>th</sup>, with the low bid being \$103,000 and the high being \$174,000. He said that they were reviewing the submissions to be sure that the low bidder had met all of the bid specifications. Mr. Tennyson noted that the bid did not specify they system to be used but rather allowed for the introduction of a system equal to the specifications and they were speaking with the bidder to ensure that all bid specifications were met. He said that if the required information was provided promptly, he anticipated that the bid would be awarded within the following week. Mr. Lamy asked if a resolution would be required to accept an alternate bid if the low bidder did not meet bid specifications and Mrs. Sady replied affirmatively.

Proceeding with the agenda review Mr. Tennyson noted an issue with petroleum bulk storage tanks at the Public Safety Building. He explained that they had recently performed an inventory of systems on a County-wide basis in connection with Amy Clute, Self-Insurance Administrator, who was seeking to perform some required insurance updates. Mr. Tennyson said during this review it was determined that the Sheriff's Office had some tanks which were not registered and Bud York, Warren County Sheriff, had subsequently contacted him with respect to registering their tanks on the existing petroleum bulk storage registration for the Municipal Center, as per the direction of NYSDEC (New York State Department of Environmental Conservation). He explained that in the past NYSDEC had required the responsible party for the tanks to do the registering; for example, Mr. Tennyson apprised, the County was required to register the motor fuel tanks at the Fuel Farm locations and the Towns were responsible for registering any other tanks on the site. However, he said, NYSDEC changed their requirements in April of 2009 to require that all registrations be kept under one name and they had been working with the Sheriff's Office to transfer all of their registrations onto the one held by the County for tanks at the Municipal Center Campus. Mr. Tennyson noted that the Sheriff's Office would continue to maintain responsibility for the tanks and for providing the monthly inspections, as well as any necessary repairs or upgrades.

Chairman Monroe stated his opinion that this seemed to be a way in which the NYSDEC was shifting liability for the tanks to the County, rather than the Towns, at the Fuel Farm sites. Mr. Tennyson replied that he had not received any direction from NYSDEC to make changes to registrations at the Fuel Farm sites, only for the tanks at the Public Safety Building and he agreed that it would seem the County was being forced to accept more liability for these tanks as he would be required to sign a document stating that he was responsible for them. Mr. Tennyson apprised that he had contacted NYSDEC to argue this point but did not receive any satisfaction. He added that in the case of the tanks at the Public Safety Building, these were used by the Sheriff's Office which was a County Department so the liability would be to the County in the occurrence of an environmental hazard, regardless of which party the tanks were registered to. Mr. Tennyson stated that it remained to be seen whether similar changes would be required for the Fuel Farm sites. Mr. Lamy interjected that they would not sign any documents holding the County responsible for any additional tanks at the Fuel Farm sites and would keep the Committee apprised of any new developments with this issue.

Mr. Stec left the meeting at 10:07 a.m.

Noting a second underground storage tank issue, Mr. Tennyson apprised that the Warrensburg DPW Shop had been visited by an EPA (Environmental Protection Agency) Inspector based in Pennsylvania on November 18<sup>th</sup> who had wanted to inspect the tanks on the site. He said that during his visit, the Inspector had reviewed the system and performed an underground injection control survey to review floor and sink drains and catch basins on the entire site. Mr. Tennyson added that the same levels of testing were performed at the Municipal Center Campus on November 19<sup>th</sup> and the initial feedback received indicated that the EPA Inspector was satisfied with the tank and drain systems at both sites. He noted that he expected to receive formal notification of these results from the EPA early in 2010.

Chairman Monroe questioned why the tanks had been inspected by both NYSDEC and the EPA, as well as what the differences in the inspections might be. Mr. Lamy replied that it was not uncommon for both entities to perform tests at the same site, as the EPA wanted to determine that NYSDEC was providing the proper oversight.

Resuming the agenda review, Mr. Tennyson presented the final design report for the Alder Brook Road Bridge Replacement Project which was being submitted on the record for retention with the Office of the Clerk of the Board. He noted that they refrained from printing numerous copies of the report to save on printing costs, but advised that copies of the report in cd format were available to any of the Committee members wishing to review them. Mr. Tennyson apprised that construction on the Project should begin in the spring of 2010.

Mr. Tennyson advised that the next agenda item consisted of a request for a new contract for construction services in connection with the Alder Brook Road Bridge Replacement Project which would be awarded to the lowest responsible bidder subsequent to the bid opening.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy proceeded as follows to present a number of requests to increase various Capital Project in an effort to fulfill a portion of the Local Share on each:

1. Request to increase Capital Project No. H260.9550 280, Alder Brook Road Bridge, in the amount of \$25,000 with the source of funding to be A.9950 910, Transfers Capital Projects.

Motion was made by Mr. Tessier, seconded by Mr. Taylor and carried unanimously to approve the request to increase Capital Project No. 260.9550 280, Alder Brook Road Bridge, in the amount of \$25,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

2. Request to increase Capital Project No. H272.9550 280, Harrington Road Bridge, in the amount of \$10,000 with the source of funding to be A.9950 910, Transfers Capital Projects.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve the request to increase Capital Project No. H272.9550 280, Harrington Road Bridge, in the amount of \$10,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

3. Request to increase Capital Project No. H248.9550 280, Middleton Bridge, in the amount of \$10,000 with the source of funding to be A.9950 910, Transfers Capital Projects.

Motion was made by Mr. Taylor, seconded by Mr. Tessier and carried unanimously to approve the request to increase Capital Project No. H248.9550 280, Middleton Bridge, in the amount of \$10,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

4. Request to increase Capital Project No. H166.9550 280, Lake George Basin Sewer, in the amount of \$75,000 with the source of funding to be A.9950 910, Transfers Capital Projects.

Motion was made by Mr. Pitkin and seconded by Mr. Goodspeed to approve the request to increase Capital Project No. 166.9550 280, Lake George Basin Sewer, as outlined above.

Mr. Lamy explained that the \$75,000 increase would be very close to meeting the Local Share on the Lake George Basin Sewer Project. Mr. Champagne questioned whether the portion of the Project pertaining to the Town of Lake George had been completed and transferred to the Town and Mr. Lamy replied affirmatively. Mr. Lamy noted that the Town of Bolton portion of the Project was under construction with a new pump station and force main which should be completed in the fall of 2010, all of which was Federally funded. He noted that there was still money left in the contract for the Town of Bolton and the Town Supervisor, Mrs. Simmes, had requested that they pursue some slip lining work to expend the remainder of the money allocated to the Town of Bolton. Mr. Lamy said he asked the Project Engineer to provide a proposal for this work and if the Committee were to endorse the work proposed, he would then forward the information on to the EPA for a determination as to whether or not this work was eligible for the use of the remaining grant funding. Mr. Champagne asked if there were monies owed to the County in connection with the Lake George Sewer Project and Mr. Lamy replied affirmatively but noted that he had not spent time on the Project to determine the amount outstanding. He said that he would do this work in the near future and would provide the Committee with this information when it was available. Mr. Pitkin questioned whether there was any alternative for use of remaining funding in connection with the Project and Mr. Lamy replied in the negative.

Subsequent to further discussion on the matter, Mr. Bentley called the question and the motion was carried unanimously to approve the request to increase Capital Project No. 166.9550 280, Lake George Basin Sewer, in the amount of \$75,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that the next agenda item referred to an informational update on the installation of a transfer switch at the Warrensburg DPW Maintenance Shop. He explained that a new generator with the capability to power the entire facility had been purchased through the DPW equipment bond and the associated transfer switch

was now necessary to complete the system. He noted that the transfer switch was an expensive piece of equipment and engineering review would be required prior to installation. Mr. Lamy said he proposed the use of Clark Patterson Lee, the engineer under contract with the County, to develop plans for the switch installation along the same lines as the plans they had developed for similar work provided for the Municipal Center Building. He advised that the total approximate cost for the equipment purchase and engineering costs would be \$38,000 and he proposed that the monies to fund the expenditure be transferred from the fuel budget as there were sufficient funds remaining in that code. Mr. Lamy said he had been advised that he was able to transfer the funds without Committee approval but did not want to proceed without their knowledge. He concluded that this was the least expensive way in which to complete the generator installation for the DPW Maintenance Shop.

Mr. Geraghty questioned whether these services would require a bid process and Mr. Lamy replied in the negative, noting that there was an electrical firm already under contract with the County that they could negotiate the scope of work and equipment purchases with. Mr. Geraghty said he felt the anticipated costs were very high for the work proposed and he asked how much the transfer switch would cost, to which Mr. Lamy replied that the equipment was estimated to cost between \$25,000 and \$30,000 for parts and installation. Mr. Tennyson interjected that the estimates had initially been higher but had been reduced when the assistance of the electrician employed by the County had been promised. Following further conversation, it was the consensus of the Committee that Mr. Lamy should proceed in transferring the funds necessary to cover the expenditure.

Mr. Lamy directed the Committee members to agenda page 21 which included a request to approve two change orders in connection with the Hague Sewer Project which incorporated dollar amounts exceeding his authority to approve without Committee consent. He explained that both Change Order Nos. 5 and 6 would be issued with AP Reale & Sons Construction, Change Order No. 5 being in the amount of \$28,000 for additional top course asphalt pavement to restore Route 9N as required by NYSDOT and Change Order No. 6 in the amount of \$15,500 for the purchase of a Dyna-Vac vacuum system and trailer. In the case of Change Order No. 5, Mr. Lamy apprised that NYSDOT was looking for much more substantial work than what they had finally agreed to and the work had been reviewed and approved by Mr. Belden also. He noted that with both change orders they would still be under budget by approximately \$200,000 for the total contract amount. Mr. Lamy added that the amount indicated for the purchase of the vacuum system and trailer might be somewhat lower than estimated and could be adjusted when confirmed figures were received.

When questioned as to the need for the vacuum system, Mr. Lamy explained that the Hague Sewer Project incorporated a pressure system and this new equipment would allow for certain sections of the forcemain to be maintained appropriately; he added that the Town of Hague would retain ownership of the vacuum system. Mr. Bentley asked if the Town of Hague would ultimately fund the costs of the change orders and Mr. Lamy replied that these expenses would be incorporated into the project total which was being funded by a \$20 million grant from the Federal Government, \$1.2 million by the County and \$974,000 in State grants funds. Mr. Geraghty questioned whether it was more appropriate for the County to retain ownership of the vacuum system and Mr. Lamy replied in the negative, advising that it was in the County's best interest to complete the sewer projects and transfer ownership to the appropriate Towns as quickly as possible.

Motion was made by Mr. Champagne, seconded by Mr. Pitkin and carried unanimously to approve Change Order Nos. 5 and 6 as outlined above and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing, Mr. Lamy presented a request to extend the existing contract with M.M. Hayes Company, Inc. for maintenance of the Kronos Timekeeping System for the term commencing January 1, 2010 and terminating

December 31, 2010 for a total of \$5,262. He added that this was the same firm used for time clock maintenance in 2009.

Mr. Pitkin questioned whether any responses to the RFP (request for proposal) issued for a County-wide timekeeping system had been received and Mrs. Sady replied affirmatively, noting that the County Treasurer was currently reviewing them. Mr. Pitkin then asked if it was wise to proceed in securing an annual maintenance contract when they were currently seeking alternative measures to standardize the timekeeping systems in place and JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, replied that she had recently spoken with Rob Lynch, Deputy Treasurer, who had advised that the bid provided by Kronos was \$40,000 less than initially estimated, at a total of \$128,000. She added that she was unsure how this amount would compare to the alternate bids received, but hoped the information would be available by the December 10<sup>th</sup> Finance Committee meeting. Mr. Pitkin stated his concern that it might not be prudent to approve the extension of a contract with a firm that might not be capable of maintaining an alternate timekeeping system if the decision was made to change to a new system. Mr. Lamy apprised that within the Public Works Division, ten different time clocks were used that required on-call maintenance as time and attendance records could be severely impacted in the event of a system failure.

Subsequent to further discussion, motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve the request to extend the contract with M.M. Hayes Company, Inc., provided that a 30-day opt out notice could be included and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Paul Dusek, County Attorney, entered the meeting at 10:25 a.m.

Resuming the agenda review, Mr. Lamy presented a number of requests for new contracts for various services as follows:

1. Request for a new contract with Standard Medical Services, LLC for drug and alcohol testing and NYSDOT physical exams for the term commencing January 1, 2010 and terminating December 31, 2010, *included on agenda page 27.*

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to approve the request for a new contract with Standard Medical Services, LLC as outlined above and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

2. Request for a new contract with R.F. Gordon Mechanical, Inc. for plumbing repairs, rehabilitation and installation services for the term commencing January 1, 2010 and terminating December 31, 2010, *included on agenda page 29.*

Motion was made by Mr. Pitkin, seconded by Mr. Taylor and carried unanimously to approve the request for a new contract with R.F. Gordon Mechanical, Inc. as outlined above and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

3. Request for a new contract with James Reed Sales for calcium chloride liquid, *included on agenda page 32.*

Motion was made by Mr. Tessier, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract with James Reed Sales and the necessary resolution was authorized for the December 18<sup>th</sup> Board



meeting. *A copy of the request is on file with the minutes.*

4. Request for a new contract with Peckham Materials Corporation for bituminous dust control materials, *included on agenda page 33.*

Motion was made by Mr. Pitkin, seconded by Mr. Tessier and carried unanimously to approve the request for a new contract with Peckham Materials Corporation and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that agenda page 34 included a request to establish Capital Project No. H307.9550 280, Airport Paving Project, in the amount of \$35,000. He explained that in the 2009 Budget money had been allocated to pave the Airport entrance road and some parking space; however, due to early cold weather in October, the decision had been made to delay the paving project until the spring of 2010 when the weather was more conducive. Mr. Lamy said that in speaking with Rick Murphy, Deputy Commissioner of Fiscal Services, it had been determined that the best way to preserve the funding intended for the paving work would be to create a capital project and transfer the funds there. Mr. Pitkin questioned whether any grant funding was involved in the project and Mr. Lamy replied in the negative, noting that the expenditure would be 100% Local Share.

Motion was made by Mr. Tessier, seconded by Mr. Champagne and carried by majority vote to approve the request to create Capital Project No. H307.9550 280, Airport Paving Project, in the amount of \$35,000 and refer same to the Finance Committee, with Mr. Pitkin voting in opposition. *A copy of the request is on file with the minutes.*

Upon Mr. Lamy's direction, Don DeGraw, Airport Manager, presented the next agenda item which included a request to authorize the Chairman of the Board to execute any and all documentation associated with the State SEQRA (State Environmental Quality Review Act) process for the PAPI (Precision Approach Path Indicators) installation at the Airport. Mr. Champagne questioned whether Local Share costs would be incurred and Mr. DeGraw replied that the current resolution was simply authorizing the Chairman to sign SEQRA documents and that the actual installation process would incur a 2.5% Local Share as he expected to receive grant funds for the majority of the project costs. Mr. Pitkin asked what the total costs for the PAPI installation would be and Mr. DeGraw estimated the cost to be around \$100,000, with 2.5% of that total being the Local Share. Mr. Pitkin then asked what the consequences of avoiding the PAPI installation would be and Mr. DeGraw explained that the FAA (Federal Aviation Administration) had identified a number of trees surrounding the Airport that penetrated protected airspace and one of the options determined to alleviate the problem without cutting trees on private property was to install PAPIs at either end of the runway to give pilots a visual cue to come in higher, rather than lower, on their landing approach. He added that the FAA had determined the PAPI installation was an acceptable alternative to cutting trees that the County was unable to access, due to easement issues. Mr. DeGraw advised that because the trees could not be removed from private property, if the PAPIs were not installed, the FAA might require the runway to be shortened to bring the protected airspace away from the trees.

As a point of clarification, Mr. Dusek questioned whether the resolution request presented was intended to certify that no negative impact would occur as a result of the PAPI installation or if this was simply to start the SEQRA process. Mr. DeGraw replied that C&S Engineering had been hired to provide all of the research and testing work associated with the SEQRA process and the resolution in question would authorize the Chairman to sign any resulting documentation developed by C&S Engineering. Mr. Dusek stated that the reports provided by C&S Engineering would include evaluations for all of the varying impacts possible to the site and surrounding area and a positive SEQRA report would indicate no negative impact as a result of this project. He added that the SEQRA report would eventually be presented to the Board of Supervisors for the review and approval as required by law.

Mr. Dusek concluded that in this process it was important to understand that by signing the SEQRA documents, the Chairman would be certifying that the Board of Supervisors had reviewed and understood the findings developed and that there would be no resulting environmental impacts to be concerned with if the project continued.

Mr. Champagne stated that he hoped this report would be presented to the Board of Supervisors in a step by step procedure that would allow them to respond to each issue as there had continually been complaints from residents surrounding the Airport concerning low flying planes and noise. Mr. Dusek said that if the resolution request was approved, a resolution would be presented at the next Board meeting simply stating that the Board agreed there were no environmental impacts associated with the project and the SEQRA report would be attached and no further review process would occur.

Motion was made by Mr. Tessier, seconded by Mr. Taylor and carried unanimously to approve the request to authorize the Chairman of the Board to execute any and all documents associated with the State SEQRA process for the PAPI installation project on Runway 12/30 and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. DeGraw apprised that the next two agenda items pertained to tree cutting at the Airport. He reminded the Committee that there was currently a contract in place with BOCES that allowed for tree cutting on the south end of the Airport property which allowed them to access a no cost, easy access training venue for their students. Mr. DeGraw apprised that the adjacent property, Forest Enterprises, had tentatively agreed to allow BOCES to cut trees located on their property which were penetrating protected airspace which were of concern to the FAA. He noted that the request included on agenda page 36 sought to amend the current contract with BOCES to expand the tree cutting area to include the property owned by Forest Enterprises. Mr. DeGraw advised that the second request, included on page 37, was for a new contract with VMJR Companies to provide the Airport with no cost tree removal in areas required and identified by the FAA, specifically off-Airport property owned by Forest Enterprises, using BOCES manpower and local funds to pay Forest Enterprises for stumpage fees. He explained that there was a small stumpage value associated with the trees that would be cut of approximately \$2,200, which the property owner sought to receive. Mr. DeGraw advised that BOCES would pay the stumpage fees to the property owner and the County would reimburse the costs to BOCES through a separate agreement.

Mr. Goodspeed questioned whether additional liability exposure to the County would be incurred by expanding the tree cutting services onto private property and Mr. Dusek replied affirmatively. Mr. Dusek advised that this was a temporary fix to the problem at hand as the County was not gaining a permanent easement on the property and they would have no ability to further cut in the future or to control anything else that might be built on the property, such as a building that might affect the protected airspace; therefore, he added, he felt it was important to understand the very temporary nature of the actions being taken. Having said that, Mr. Dusek stated that he was not opposed to gaining an agreement with BOCES or with the temporary agreement to cut trees, although there would be increased liability which the County should look to pass as much on as possible to BOCES. Inevitably, he said, whenever there was an operation such as this there was the potential for liability issues to arise and when the agreements were drafted, his Office would attempt to cover the liability issues as best possible. Mr. Dusek stated that the County would have to pay for the licensing fees to access the property and he had asked Mr. DeGraw to ensure that the amount being paid was the industry standard as the property owner should not benefit financially from the agreement; he added that if everything proceeded as planned, there should be a net zero cost to the County for the tree cutting services.

Mr. Goodspeed then questioned what the permanent solution would be in this matter and Mr. DeGraw replied that C&S Engineers were currently evaluating the level of the easement required by the County as the property was

critical to the Airport due to the presence of trees that currently penetrated the protected airspace, as well as for the potential for additional penetrations as the runway was extended in the future. He added that C&S Engineers were attempting to develop an estimate of value for the necessary easement which they would then approach the property owner with in an attempt to negotiate a purchase agreement. Mr. DeGraw said this was a very unusual situation because the property owner foresaw the parcel as an economic tool for himself as he valued the property at a much higher value than what it was assessed for. He advised that there were properties owned by the County that were of value to the property owner which might be swapped for the easement, as well as the development of a road near the Airport property which would benefit VMJR Companies, as well as the proposed Fire Training Center. Mr. DeGraw concluded that he would keep the Committee apprised of the matter as further information became available.

Motion was made by Mr. Goodspeed, seconded by Mr. Merlino and carried unanimously to approve both the request to amend the existing contract with BOCES and for a new contract with VMJR Companies as previously outlined and the necessary resolutions were authorized for the December 18<sup>th</sup> Board meeting. *Copies of both requests are on file with the minutes.*

Mr. Lamy apprised that the next agenda item pertained to a funding strategy for Up Yonda and he asked Paul Butler, Director of Parks, Recreation & Railroad, to address the item. Mr. Butler stated that extensive conversations had recently been held with Mrs. Simmes, current Supervisor for the Town of Bolton, and Ronald Conover, 2010 Supervisor-elect for the Town of Bolton, regarding the budget reductions faced at the Up Yonda facility. As a result, he said, Mrs. Simmes and Mr. Conover had committed the Town of Bolton to provide \$20,000 in funding for the facility, with \$10,000 to come from the Town's occupancy tax funding and the remaining \$10,000 to come from their general budget. Mr. Butler advised that agenda page 38 included a resolution request to authorize an inter-Municipal agreement between the Town of Bolton and Warren County to accept \$20,000 in funding to support operations at the Up Yonda facility. Mr. Dusek interjected that it was important to note the concessions the Town of Bolton expected in return for their donation, such as free parking and admission for Bolton residents for events that other Warren County residents would be required to pay for. Mr. Butler said it was correct that the Town of Bolton sought certain no cost amenities for their residents; however, he said, he and his staff had explored the amount that would otherwise be paid by Town of Bolton residents visiting the facility and they felt that the amount being donated was more than the amount paid by residents in prior years.

Discussion ensued.

Motion was made by Mr. Merlino, seconded by Mr. Champagne and carried unanimously to approve the request for an inter-Municipal agreement between Warren County and the Town of Bolton to accept \$20,000 in funding for the operation of the Up Yonda facility, subject to the inclusion of an early termination clause and County Attorney approval, and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler announced that he had received a letter from Mike Fazio, President of the South Warren Snowmobile Club and member of the Van R. Rhodes Volunteer Fire Company, requesting the use of one of the County's snowmobiles previously used for grooming trails, a copy of which was included on page 39 of the agenda. He noted that the snowmobile would be used in emergency situations only for pulling an enclosed stretcher-type sled for rescue operations. Mr. Butler said that Mr. Fazio has confirmed that he would be responsible for ensuring proper maintenance was provided by qualified persons and that the machine would be stationed at the Fire Company and would be available to the County whenever they needed it. Mr. Dusek interjected that there was no problem with entering into an agreement with the Fire Company, so long as they were a public entity. However, he noted if the

Fire Company was a not-for-profit entity, it would not be possible to secure this type of agreement. Mr. Merlino confirmed that the Fire Company was a government entity and therefore the agreement could be legally secured.

Subsequent to additional conversation, motion was made by Mr. Merlino, seconded by Mr. Goodspeed and carried unanimously to authorize an agreement between Warren County and the Luzerne/Hadley Consolidated Fire District/Van R. Rhodes Volunteer Fire Company to store, maintain and use one of Warren County's 2006 Ski Doo Skandic SWT 550F snowmobiles for emergency services and the necessary resolution was authorized for the December 18<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy said that the next agenda item pertained to a transfer of funds in the amount of \$20,000. He noted that after the 2009 Budget was adopted it was determined that funding to the local snowmobile clubs would be increased by \$20,000; however, this funding was not included in the budget. At the time the payments were made, Mr. Lamy said that the additional funding had been made from the Equipment Rental Code in the Parks, Recreation & Railroad Division budget, which was now short due to the expenditure. He noted that a transfer was necessary to balance the Departmental budget and he suggested that the transfer be made from the Machinery Fund to offset the deficit. Mrs. Sady advised that a journal adjustment could be made to address the matter and that a transfer of funds was not necessary. She noted that she would contact Mr. Murphy directly to be sure that this was possible.

The final New Business item, Mr. Lamy stated, was a request for authorization for himself and Mr. Tennyson to attend the NYSCHSA (New York State County Highway Superintendent Association) Winter meeting on January 19<sup>th</sup> through the 21<sup>st</sup> in Albany, NY. He noted that he and Mr. Tennyson would commute daily to the meetings and the costs for the conference would be \$175 per person plus meal costs.

Motion was made by Mr. Goodspeed, seconded by Mr. Champagne and carried unanimously to approve the travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Lamy announced that the next section of the agenda referred to Items of Interest and listed a number of contracts that had recently been renewed. He said that he had not included detailed information on each in the agenda but he had the information available for anyone wishing to review the contracts.

The final agenda item consisted of Referrals from prior Committee meetings which Mr. Lamy said that he would prefer to delay as they had exceeded the time allotted for the current meeting.

As there was no further business to come before the Committee, on motion made by Mr. Goodspeed and seconded by Mr. Tessier, Mr. Bentley adjourned the meeting at 11:27 a.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist